

07/05/01  
jc928 U.S. PTO

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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 030727.0037.CIP1  
First Inventor van Poelje  
Title A Combination of FBPase Inhibitors and Antidiabetic Agents for the Treatment of Diabetes

PTO  
09/200364

(Only for new nonprovisional applications under 37 CFR 1.53(b)) Express Mail Label No. EL 675945544US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 389]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets ☐
5. Oath or Declaration [Total Pages 4]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: \_\_\_\_\_

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 60216.531/  
Prior application information: Examiner \_\_\_\_\_ Group Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label 23865 (Insert Customer No. or Attach bar code label here) or ☒ Correspondence address below

Name	Richard H. Pagliery				
	Brobeck, Phleger & Harrison LLP				
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City	San Diego	State	CA	Zip Code	92130-2081
Country	USA	Telephone	858/720-2500	Fax	858/720-2555

Name (Print/Type)	Richard H. Pagliery	Registration No. (Attorney/Agent)	44,276
Signature	<i>Richard Pagliery</i>	Date	July 5, 2001

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NEW UTILITY APPLICATION

UNDER 37 CFR § 1.53(b)

TITLE: A COMBINATION OF FBPASE INHIBITORS AND  
ANTIDIABETIC AGENTS FOR THE TREATMENT  
OF DIABETES

APPLICANT(S): Paul D. van Poelje; Mark D. Erion; Toshihiko  
Fujiwara

CORRESPONDENCE ENCLOSED:

Utility Patent Application Transmittal (1 pg); Fee  
Transmittal (1pg); Specification and claims ( 389 pgs);  
Abstract (1pg); Grant of Power of Attorney from Sankyo (2  
pgs); Grant of Power of Attorney from Metabasis (2 pgs);  
Assignment from Fujiwara to Sankyo & Recordation Form  
Cover Sheet (4 pgs); Assignment from van Poelje & Erion  
to Metabasis & Recordation Form Cover Sheet (5 pgs);  
Declaration of Inventorship (2 documents/4 pgs); check in  
the amount of \$3,000.00

"EXPRESS MAIL" Mailing Label Number EL 675945544 US Date of Deposit July 5, 2001 I  
hereby certify under 37 CFR §1.10 that this correspondence is being deposited with the United  
States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the  
date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

  
Dulcie Donoso-Fontt

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$3756.00)

## Complete if Known

Application Number To be assigned  
Filing Date Herewith  
First Named Inventor van Poelje  
Examiner Name To be assigned  
Group Art Unit To be assigned  
Attorney Docket No. 030727.0037.CIP1

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated

Deposit  
Account  
Number

50-1273

Deposit  
Account  
Name

Brobeck, Phleger & Harrison LLP

- ☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status. See  
37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee (\$)	Fee Description	Fee Paid
101	201	710	355	Utility filing fee	710.00
106	206	320	160	Design filing fee	
107	207	490	245	Plant filing fee	
108	208	710	355	Reissue filing fee	
114	214	150	75	Provisional filing fee	

SUBTOTAL (1) (\$710.00)

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
152	-20** = 132	18.00	2376.00
Independent Claims	7	3** = 4	80.00
Multiple Dependent		270.00	270.00

Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee (\$)	Fee Description
103	203	18	9	Claims in excess of 20
102	202	80	40	Independent claims in excess of 3
104	204	270	135	Multiple dependent claim, if not paid
109	209	80	40	** Reissue independent claims over original patent
110	210	18	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$2966.00)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee (\$)	Fee Description	Fee Paid
105	205	130	65	Surcharge - late filing fee or oath	
127	227	50	25	Surcharge - late provisional filing fee or cover sheet	
139	139	130	130	Non-English specification	
147	147	2,520	2,520	For filing a request for <i>ex parte</i> reexamination	
112	112	920*	920*	Requesting publication of SIR prior to Examiner action	
113	113	1,840*	1,840*	Requesting publication of SIR after Examiner action	
115	215	110	55	Extension for reply within first month	
116	216	390	195	Extension for reply within second month	
117	217	890	445	Extension for reply within third month	
118	218	1,390	695	Extension for reply within fourth month	
128	228	1,890	945	Extension for reply within fifth month	
119	219	310	155	Notice of Appeal	
120	220	310	155	Filing a brief in support of an appeal	
121	221	270	135	Request for oral hearing	
138	138	1,510	1,510	Petition to institute a public use proceeding	
140	240	110	55	Petition to revive - unavoidable	
141	241	1,240	620	Petition to revive - unintentional	
142	242	1,240	620	Utility issue fee (or reissue)	
143	243	440	220	Design issue fee	
144	244	600	300	Plant issue fee	
122	122	130	130	Petitions to the Commissioner	
123	123	50	50	Processing fee under 37 CFR 1.17(q)	
126	126	180	180	Submission of Information Disclosure Stmt	
581	581	40	40	Recording each patent assignment per property (times number of properties)	80.00
146	246	710	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	249	710	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	279	710	355	Request for Continued Examination (RCE)	
169	169	900	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$80.00)

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)

Richard H. Pagliery

Registration No  
(Attorney/Agent)

44,276

Telephone

(858) 720-2500

Signature

*Richard H. Pagliery*

Date

July 5, 2001

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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